UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/859,608	05/17/2001	Pankaj B. Patel		4992

27300   7590   09/21/2005

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EXAMINER
KHOSHNOODI, NADIA

ART UNIT	PAPER NUMBER
2133	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Notice of Non-Compliant Amendment (37 CFR 1.121)	09/859,608	PATEL, PANKAJ B.
	Examiner	Art Unit	
	Nadia Khoshnoodi	2133	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

The amendment document filed on <u>20 June 2005</u> is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

☐ 1. Amendments to the specification:
    ☐ A. Amended paragraph(s) do not include markings.
    ☐ B. New paragraph(s) should not be underlined.
    ☐ C. Other _____.

☐ 2. Abstract:
    ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
    ☐ B. Other _____.

☐ 3. Amendments to the drawings:
    ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
    ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
    ☐ C. Other _____.

☒ 4. Amendments to the claims:
    ☐ A. A complete listing of all of the claims is not present.
    ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
    ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
    ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
    ☒ E. Other: *See Attached*.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf .

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.

2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.

    <u>Extensions of time</u> are available under 37 CFR 1.136(a) <u>only</u> if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

    <u>Failure to timely respond</u> to this notice will result in:
    Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or
    Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Notice of Non-Responsive Amendment

I.   The reply filed on 6/20/2005 is not fully responsive to the prior Office Action because of

the following omission(s) or matter(s):

The amendment to the claims filed on 6/20/2005 does not comply with the requirements

of 37 CFR 1.121(c) because in the claim listing, the status of every claim must be indicated after

its claim number by using one of the following identifiers in a parenthetical expression:

(Original), (Currently Amended), (Canceled), (Withdrawn), (Previously presented), (New), and

(Not Entered). Claims 1 and 6-8 do not meet these requirements of 37 CFR 1.121(c).

Amendments to the claims filed on or after July 30, 2003 must comply with 37 CFR 1.121(c)

which states:

(c) Claims. Amendments to a claim must be made by rewriting the entire claim with all
changes (e.g., additions and deletions) as indicated in this subsection, except when the claim is
being canceled. Each amendment document that includes a change to an existing claim,
cancellation of an existing claim or addition of a new claim, must include a complete listing of
all claims ever presented, including the text of all pending and withdrawn claims, in the
application. The claim listing, including the text of the claims, in the amendment document will
serve to replace all prior versions of the claims, in the application. In the claim listing, the status
of every claim must be indicated after its claim number by using one of the following identifiers
in a parenthetical expression: (Original), (Currently amended), (Canceled), (Withdrawn),
(Previously presented), (New), and (Not entered).
    (1) Claim listing. All of the claims presented in a claim listing shall be presented in
ascending numerical order. Consecutive claims having the same status of "canceled" or "not
entered" may be aggregated into one statement (e.g., Claims 1–5 (canceled)). The claim listing
shall commence on a separate sheet of the amendment document and the sheet(s) that contain the
text of any part of the claims shall not contain any other part of the amendment.
    (2) When claim text with markings is required. All claims being currently amended in an
amendment paper shall be presented in the claim listing, indicate a status of "currently
amended," and be submitted with markings to indicate the changes that have been made relative
to the immediate prior version of the claims. The text of any added subject matter must be shown
by underlining the added text. The text of any deleted matter must be shown by strike-through
except that double brackets placed before and after the deleted characters may be used to show
deletion of five or fewer consecutive characters. The text of any deleted subject matter must be
shown by being placed within double brackets if strike-through cannot be easily perceived. Only
claims having the status of "currently amended," or "withdrawn" if also being amended, shall

include markings. If a withdrawn claim is currently amended, its status in the claim listing may be identified as "withdrawn—currently amended."

(3) When claim text in clean version is required. The text of all pending claims not being currently amended shall be presented in the claim listing in clean version, i.e., without any markings in the presentation of text. The presentation of a clean version of any claim having the status of "original," "withdrawn" or "previously presented" will constitute an assertion that it has not been changed relative to the immediate prior version, except to omit markings that may have been present in the immediate prior version of the claims of the status of "withdrawn" or "previously presented." Any claim added by amendment must be indicated with the status of "new" and presented in clean version, i.e., without any underlining.

(4) When claim text shall not be presented; canceling a claim.

(i)   No claim text shall be presented for any claim in the claim listing with the status of "canceled" or "not entered."

(ii)   Cancellation of a claim shall be effected by an instruction to cancel a particular claim number. Identifying the status of a claim in the claim listing as "canceled" will constitute an instruction to cancel the claim.

(5) Reinstatement of previously canceled claim. A claim which was previously canceled may be reinstated only by adding the claim as a "new" claim with a new claim number.

Since the reply filed on 6/20/2005 appears to be *bona fide*, applicant is given a TIME

PERIOD of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice,

whichever is longer, within which to supply the omission or correction in order to avoid

abandonment. EXTENSIONS OF THIS TIME LIMIT MAY BE GRANTED UNDER 37 CFR

1.136(a).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nadia Khoshnoodi whose telephone number is (571) 272-3825.

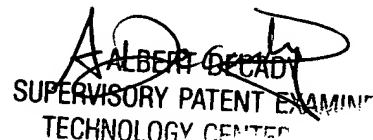The examiner can normally be reached on M-F: 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Albert Decady can be reached on (571) 272-3819. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nadia Khoshnoodi

Nadia Khoshnoodi
Examiner
Art Unit 2133
9/19/2005

NK

ALBERT DECADY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER